

### **REMARKS**

Claims 1, 3-6, and 8-30 were rejected under 35 U.S.C. 112, first paragraph. Claims 1, 3-5, 8-11, 17-25, and 30 were rejected under 35 U.S.C. 103(a) given U.S. Patent Application No. 2003/019286 to Hack et al. ("Hack") in view of U.S. Patent Application No. 2003/0076971 to Sperle et al. ("Sperle"). Claims 6, 12, and 13 were rejected under 35 U.S.C. 103(a) given Hack in view of Sperle and further in view of U.S. Patent Application No. 2003/0222334 to Ikeda et al. ("Ikeda"). Claims 14-16 and 26-29 were rejected under 35 U.S.C. 103(a) given Hack in view of Sperle and further in view of an article entitled *Electroactive Polymer Artificial Muscles Acoustic Applications* by SRI International ("SRI"). The applicant respectfully traverses these rejections and requests reconsideration.

#### *Rejections under 35 U.S.C. 112*

Claims 1, 3-6, and 8-30 were rejected under 35 U.S.C. 112, first paragraph. In particular, the Examiner suggests that the specification as originally filed does not support the notion of a first flexible substrate portion and a second flexible substrate portion that are supported by "a flexible substrate" as appears in claim 1. Although the applicant believes that the present language is accurate and correct, to avoid any confusion on this point, claims 1 and 20 have been amended. Claim 1 in particular now reads, in relevant part, as follows:

a flexible member integrally comprised of a first flexible substrate portion and a second flexible substrate portion

Claim 20 has been similarly amended. The applicant respectfully submits that these changes more than fully address the concerns raised by the Examiner.

The Examiner also rejected independent claim 25 "for the same reasons stated above."<sup>1</sup> The applicant respectfully submits, however, that the expressed concerns are misplaced. Claim 25 first presents, "flexible display means for selectively providing an active display on a conformably flexible display surface" and then further presents, "flexible speaker means *integrally configured* with respect to the flexible display means."<sup>2</sup> This is exactly what the

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<sup>1</sup> Office communication mailed January 25, 2007, page 2, paragraph 3.

<sup>2</sup> Emphasis provided.

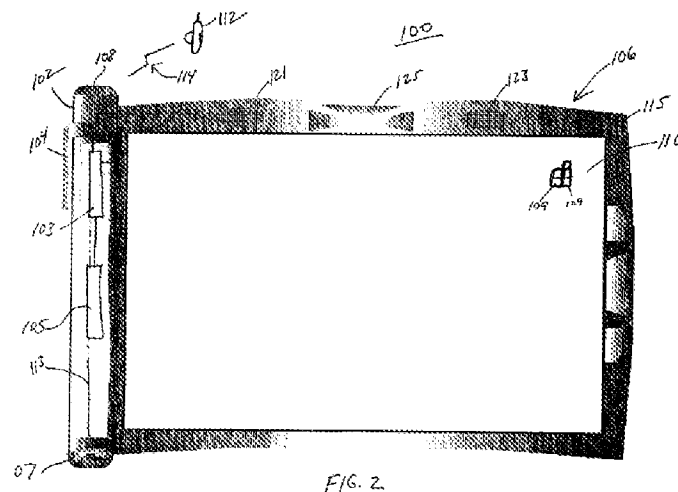
drawings and specification describe and illustrate – a flexible display and a flexible speaker that are integrally configured with respect to one another. This being so, the applicant respectfully submits that claim 25 is fully compliant with the limited requirements of 35 U.S.C. 112, first paragraph without further modification.

*Rejections under 35 U.S.C. 102*

Not applicable.

*Rejections under 35 U.S.C. 103(a)*

Claims 1, 3-5, 8-11, 17-25, and 30 were rejected under 35 U.S.C. 103(a) given Hack in view of Sperle. The Hack reference discloses a collapsible multimedia system that features a flexible display system (106) having both a display (110) and a display border (115) that completely surrounds the display (110) itself while also housing a speaker (123) and a digital imager (125) that produces “digital data corresponding to still photos or video”<sup>3</sup> (all as shown in FIG. 2 of Hack as reproduced below for the convenience of the reader). This display border (115) (which contains the speaker (123) and the digital imager (125)), though considered a part of the display system (106), is nevertheless separate from the display screen (110) itself.<sup>4</sup>

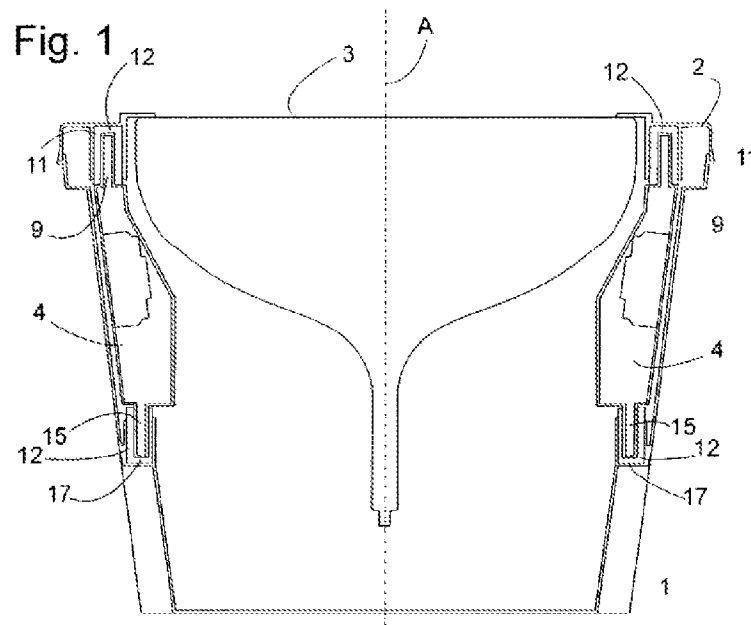


<sup>3</sup> Hack at paragraph 0065.

<sup>4</sup> Hack at paragraph 0065.

The Examiner acknowledges that Hack does not disclose “an acoustic dampener operably coupled between the first flexible substrate portion and the second flexible substrate portion”<sup>5</sup> and relies upon Sperle to provide the missing elements.

Sperle discloses a casing for a television set or the like. As shown in Sperle’s FIG. 1 (reproduced below), Sperle’s apparatus includes a first casing member (2) that holds a cathode ray tube (3) and side loudspeaker units (4) that connect to the first casing member (2).



The loudspeaker units (4) connect to the first casing member (2) using male members (9) and corresponding female members (11). Sperle also teaches that the space between these male and female members can be filled with a “vibration dampening material 12”<sup>6</sup> to thereby avoid any direct contact between the first casing member (2) and the loudspeaker units (4). As this dampening material (12) cannot be viewed as being fully disposed about the speakers, the Examiner suggests that this teaching from Sperle might be obviously combined with Hack to thereby meet the recitations of the applicant’s claims.

<sup>5</sup> Office communication mailed January 25, 2007, page 3, paragraph 6.

<sup>6</sup> Sperle at paragraph 0028.

When making a combination of references pursuant to 35 U.S.C. 103(a), one may not simply pick and choose from amongst the disaggregated elements of the references themselves. Instead, it is understood that one skilled in the art will take the references as a whole and not as a grab-bag of individual building blocks that lack any context. Here, the Examiner's suggestion that the notion of using a dampening material that does not completely surround a speaker as taught in Sperle can be obviously combined with the teachings of Hack to yield the recitations of the claims ignores the teachings and context of both references.

In particular, Hack discloses a speaker that is set in a frame that is separate from, though fully surrounding, a display. To state the obvious, then, Hack's display makes physical contact with the frame that holds the speaker at every point along the periphery of that display. To employ Sperle's teachings in Hack would therefore require placing a dampening material *around the entire periphery of the display itself*; unless this is done, Sperle's teachings regarding avoiding *any* direct contact between the display and the speaker housing will remain unmet.

Doing this, however, represents a significant design and manufacturing issue. At a minimum, one might expect the cost of such an embodiment to be considerable and hence a significant point of discouragement to a person skilled in the art who no doubt is hoping to accommodate an overall need for providing a cost-effective platform. Furthermore, such an embodiment will render it difficult, if not impossible, to properly connect Hack's display to his digital imager as the latter also resides on the same frame as the speaker. The digital imager, however, is that which provides the content that is to be rendered on that display; breaching this connection would therefore render the overall apparatus unable to accomplish its intended primary function of displaying content of interest.

With all due respect, the applicant posits that no suggestion exists in these references to pick and choose from amongst their constituent elements to support selecting some teachings to employ and other associated teachings to ignore. Here, in fact, taking these references in context, the applicant respectfully observes that one skilled in the art would be highly disinclined to make the combination being suggested by the Examiner. The only way one can reasonably pick and choose amongst these various teachings to make the suggested combination is to ignore the context and complete teachings of both references and to use instead the applicant's own present

teachings as a guide to inform that combination. Such hindsight-based thinking, however, is of course prohibited when conducting an analysis under 35 U.S.C. 103(a).

Accordingly, the applicant respectfully submits that claim 1 does not represent an obvious combination of Hack with Sperle and hence is allowable over these references.

Independent claim 20 essentially comprises a method counterpart to the apparatus of claim 1 and in particular sets forth the same notion of “disposing an acoustic dampener between the first flexible substrate portion and the second flexible substrate portion” that is “only partially disposed about the flexible speaker to substantially fully separate the first portion from the second portion.” The comments set forth above with respect to claim 1 are therefore applicable here as well and will not be repeated for the sake of brevity.

These comments are also applicable to independent claim 25, which includes the recitation, “acoustic dampening means operably and integrally coupled between the flexible display means and the flexible speaker means and only partially disposed about the flexible speaker means to substantially fully separate the flexible speaker means from the flexible display means.” Accordingly, and again, such a claim cannot be viewed as being an obvious combination of Hack with Sperle.

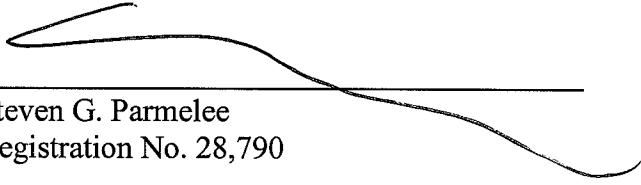
Remaining claims 1, 3-5, 8-19, 21-24, and 26-30 are ultimately dependent upon one of the independent claims discussed above. These claims are accordingly allowable in that regard. While the applicant believes that other arguments are available to highlight the allowable subject matter presented in various of the dependent claims, the applicant also believes that the comments set forth herein regarding allowability of the independent claims are sufficiently compelling to warrant present exclusion of such additional points for the sake of brevity and expedited consideration.

Application No. 10/714,233  
AMENDMENT AND RESPONSE dated June 1, 2007  
Reply to Office Action of January 25, 2007

*Conclusion*

There being no other objections to or rejections of the claims, the applicant respectfully submits that claims 1, 3-5, and 8-30 may be passed to allowance.

Respectfully submitted,

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